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ACTION IO-16

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	OASY-00
	DODE-00	EAP-01	EB-01	EUR-01	H-01	TEDE-00	INR-00
	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02	PA-01
	PRS-01	P-01	SP-00	SR-00	SSO-00	SS-00	STR-01
	TRSE-00	USIE-00	SA-01	PRME-01	DRL-09	G-00	/043W

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O 271230Z SEP 94
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 3926
INFO USINT HAVANA
RWANDA COLLECTIVE
AMEMBASSY TOKYO
USMISSION USUN NEW YORK
AMEMBASSY MADRID
AMEMBASSY HANOI

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U.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, CU, RW, BU
SUBJECT: MEETING WITH HIGH COMMISSIONER FOR HUMAN
RIGHTS: BURMA, RWANDA, CUBA

REF. (A) STATE 257252, (B) STATE 256438, (C) HAVANA 6267

1. CONFIDENTIAL - ENTIRE TEXT.

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SUMMARY

2. AMBASSADOR SPIEGEL CALLED ON HIGH COMMISSIONER FOR
HUMAN RIGHTS AYALA LASSO SEPTEMBER 27 FOR A DISCUSSION
OF THREE ISSUES:

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 19 MAR 2004 200303979

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-- ON BURMA, THE HIGH COMMISSIONER AGREED TO LOOK INTO REPORTS THAT INDIVIDUALS HAD BEEN IMPRISONED FOR PROVIDING INFORMATION TO UNHRC SPECIAL RAPPPORTEUR YOKOTA.

-- ON RWANDA, SPIEGEL UNDERScored THE IMPORTANCE WE ATTACH TO EFFECTIVE COORDINATION BETWEEN THE HUMAN RIGHTS MONITORS, THE COMMISSION OF EXPERTS, AND THE TRIBUNAL SOON TO BE ESTABLISHED BY THE SECURITY COUNCIL. THE HIGH COMMISSIONER SHARES OUR VIEWS THAT THE COMMISSION SHOULD PROVIDE INFORMATION TO THE PROSECUTOR, NOT COMPETE WITH HIM. AYALA SHARES OUR VIEWS ON THE NATURE AND STRUCTURE OF A TRIBUNAL. HE INDICATED THAT HE WAS OPTIMISTIC THAT THE RWANDA WAR CRIMES COMMISSION WOULD RECOMMEND THE CREATION OF A TRIBUNAL IN ITS INTERIM REPORT DUE IN THREE DAYS. WE SHOULD KEEP HIM INFORMED AND CONSIDER WHETHER TO ENLIST HIS ACTIVE SUPPORT FOR OUR EFFORTS.

-- IN REGARD TO CUBA, WE PROVIDED THE HIGH COMMISSIONER WITH LISTS OF PROMINENT HUMAN RIGHTS ACTIVISTS AND OTHERS WHO WISH TO MEET WITH HIM. WE REITERATED THE IMPORTANCE OF A CAREFULLY PLANNED VISIT NOT LIMITED TO CONTACTS PROPOSED BY THE CUBAN GOVERNMENT; AYALA AGREED.

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END SUMMARY.

BURMA

3. DRAWING ON REFTEL A, AMBASSADOR SPIEGEL BRIEFED HIGH COMMISSIONER FOR HUMAN RIGHTS (HCHR) AYALA LASSO ON REPORTS THAT A NUMBER OF BURMESE CITIZENS HAVE BEEN IMPRISONED FOR PROVIDING INFORMATION TO UNHRC SPECIAL RAPPPORTEUR YOZO YOKOTA. SPIEGEL DESCRIBED THIS AS AN EXTREMELY SERIOUS AND GRAVE DEVELOPMENT, BOTH IN TERMS OF HUMAN RIGHTS IN BURMA AND IN TERMS OF THE INTEGRITY OF THE RAPPPORTEUR SYSTEM. HE URGED AYALA LASSO TO CONTACT THE GOVERNMENT OF BURMA AS SOON AS POSSIBLE TO EXPRESS THE HCHR'S CONCERN OVER THE SITUATION. AYALA SAID IT WAS THE FIRST HE HAD HEARD OF THE DEVELOPMENT. HE AGREED IT WAS A VERY SERIOUS PROBLEM AND UNDERTOOK TO

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LOOK INTO IT. WE LEFT AYALA WITH BACKGROUND INFORMATION
AND A LIST OF THE INDIVIDUALS IN QUESTION.

RWANDA

4. SPIEGEL REVIEWED FOR AYALA OUR CONCERNS OVER THE
RELATIONSHIP AMONG THE HUMAN RIGHTS MONITORS, THE
COMMISSION OF EXPERTS, AND THE INTERNATIONAL WAR CRIMES
PROSECUTORIAL EFFORT PROPOSED BY THE UNITED STATES.
WHILE UNDERLINING OUR SUPPORT FOR THE WORK OF THE
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MONITORS AND THE COMMISSION, WE MUST AVOID DUPLICATION
OF EFFORT OR CONFUSION FROM OVERLAPPING MANDATES.

SPIEGEL REVIEWED OUR INTENTION TO ASK THE SECURITY
COUNCIL TO ESTABLISH A TRIBUNAL AS SOON AS THE
COMMISSION OF EXPERTS HAS ISSUED ITS FIRST REPORT. HE
DESCRIBED OUR PREFERENCE THAT THE NEW TRIBUNAL BE
ATTACHED TO THE YUGOSLAVIA TRIBUNAL AND THAT JUSTICE
GOLDSTONE DIRECT THE PROSECUTION OF BOTH BODIES. IT IS
IMPORTANT TO AVOID REDUNDANCIES AND TO PROVIDE FOR A
QUICK TURNOVER OF INFORMATION TO THE NEW PROSECUTORS.
SPIEGEL LEFT A PAPER WITH AYALA ON THESE ISSUES, BASED
ON REFTEL B.

5. AYALA SAID HE SHARED U.S. VIEWS OF THE RWANDA
PROSECUTIONS. IN PARTICULAR, AYALA STRONGLY SUPPORTED
IMMEDIATE SECURITY COUNCIL ACTION TO CREATE A TRIBUNAL.
AYALA SAID HE HAS STRONG REASON TO BELIEVE THE REPORT OF
THE COMMISSION OF EXPERTS WILL UNEQUIVOCALLY SUPPORT
THE ESTABLISHMENT OF A TRIBUNAL. AYALA AGREED ALSO THAT
IT IS IMPORTANT NOT TO DUPLICATE EFFORTS OR CONFUSE
MANDATES. HE DID NOT BELIEVE THIS SHOULD BE A PROBLEM,

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SINCE THE COMMISSION'S MANDATE EXPIRES IN NOVEMBER AND
IN THE INTERIM IT SHOULD BE ABLE TO ACT AS AN
INVESTIGATIVE MECHANISM FOR A TRIBUNAL WHICH WILL STILL
BE GETTING ORGANIZED. THE DETAILS OF THE RELATIONSHIP
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WOULD HAVE TO BE WORKED OUT CAREFULLY.

6. SPIEGEL AGREED THIS SHOULD BE POSSIBLE AND EXPRESSED
HOPE THAT AYALA'S OFFICE WOULD PLAY A KEY ROLE IN THE
PROCESS. SPIEGEL ALSO UNDERScoreD THAT AYALA'S SUPPORT
FOR THE CREATION OF A TRIBUNAL COULD HAVE AN IMPORTANT
IMPACT. AYALA EXPRESSED A WILLINGNESS TO BE HELPFUL,
WITHIN THE TERMS OF HIS MANDATE. HE REITERATED THAT
THE TRIBUNAL SHOULD BE ESTABLISHED QUICKLY IN ORDER TO
AVOID REVENGE KILLINGS. IN REGARD TO HUMAN RIGHTS
MONITORS, AYALA DID NOT ANTICIPATE ANY PROBLEMS BETWEEN
THE MONITORING EFFORT AND THE TRIBUNAL -- THE MONITORS'
ROLE WOULD BE TO WATCH DEVELOPMENTS, BUILD CONFIDENCE,

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AND BUILD INSTITUTIONS.

CUBA

7. IN RESPONSE TO SPIEGEL'S INQUIRY, AYALA SAID HE NOW EXPECTS TO VISIT CUBA IN NOVEMBER. SPIEGEL COMMENTED THAT THE USG REMAINS READY TO BE HELPFUL, ALTHOUGH WE RECOGNIZE THE SENSITIVITY OF U.S. INVOLVEMENT. COUNSELED AYALA TO SEEK ASSISTANCE FROM THE GOVERNMENT OF SPAIN, WHICH IS WELL CONNECTED AND WELL INFORMED ABOUT CUBA BUT IS PERCEIVED AS A MORE NEUTRAL INTERLOCUTOR THAN THE U.S. SPIEGEL PROVIDED AYALA WITH USINT HAVANA'S LISTS OF INDIVIDUALS REQUESTING MEETINGS WITH THE HIGH COMMISSIONER AND POINTS OF CONTACT FOR CUBAN HUMAN RIGHTS ACTIVISTS (REFTEL C).

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8. AYALA REITERATED THAT HE WILL BE ABLE TO SEE WHOMEVER HE WANTS IN CUBA. HE IS PREPARED TO INCUR CUBAN GOVERNMENT DISPLEASURE OVER HIS CHOICE OF MEETINGS, BUT IS NOT PREPARED TO UNDERTAKE ACTIONS THAT WOULD MAKE THE CUBANS UNCOOPERATIVE OR MAKE HIS VISIT CONTROVERSIAL. AYALA LOOKS FOR A BALANCE IN HIS MEETINGS BETWEEN INDIVIDUALS SUGGESTED BY THE GOVERNMENT OF CUBA AND OTHERS. HE DOES PLAN MEETINGS WITH SOME OF THE HUMAN RIGHTS ACTIVISTS ON OUR LIST. HE TOOK OUR POINT ON THE NEED TO BE WARY OF GOVERNMENT FRONT ORGANIZATIONS (HAVANA 6322). WE URGED AYALA TO SPEAK WITH SPECIAL RAPPORTEUR GROTH BEFORE HIS TRIP; AYALA REPLIED THAT HE WOULD BE MEETING WITH GROTH IMMEDIATELY FOLLOWING HIS MEETING WITH SPIEGEL.

COMMENT

9. THE CONGRUENCE OF AYALA'S VIEWS AND OUR OWN ON A RWANDA WAR CRIMES TRIBUNAL COULD PROVIDE AN OPPORTUNITY TO ADVANCE OUR EFFORTS. WE MIGHT, FOR EXAMPLE, ASK AYALA TO BE IN TOUCH WITH OTHER SECURITY COUNCIL MEMBERS TO CONVEY HIS VIEWS ON THE URGENCY OF CREATING A

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TRIBUNAL. ALTERNATIVELY, IT MIGHT BE HELPFUL TO HAVE
AYALA ATTEND THE SECURITY COUNCIL SESSION AT WHICH A
TRIBUNAL WILL BE DISCUSSED, IF SUCH ATTENDANCE CAN BE
ARRANGED (WE RECOGNIZE THIS COULD RAISE SENSITIVITIES OF
SOME DELEGATIONS). IN ANY EVENT, WE SHOULD KEEP THE
HIGH COMMISSIONER CLOSELY INFORMED OF OUR PLANS FOR
CREATING THE TRIBUNAL IN ORDER TO HELP ENSURE HIS

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CONTINUED SUPPORT. SPIEGEL

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